

# The Gazette of India

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

NEW DELHI, THURSDAY, AUGUST 14, 1947

GOVERNMENT OF INDIA  
POLITICAL DEPARTMENT  
NOTIFICATION

New Delhi, the 14th August 1947.

**No 232 I. D.**—His Excellency the Crown Representative is pleased to make Jangi Inam awards to the Indian States forces personnel named in the annexure to this notification, with effect from 1st April 1946, on the conditions mentioned in the following paragraphs :—

2. The Jangi Inam will be worth Rs. 20 per mensem for Indian Officers and Rs. 10 per mensem for Indian Other Ranks and Non-Combatants (Enrolled).

3. The award will be tenable only for one life and will be subject to loyal behaviour and active support to Government in any time of trouble.

4. In the case of posthumous awards eligible heirs are as shown below in the given order :—

(i) A widow, until she remarries (except with her late husband's brother).

(ii) A father of 50 years old or above (the age restriction will not apply if he is a cripple or disabled).

(iii) A mother, provided that she is a widow at the time of her sons' death or becomes a widow thereafter and has not remarried.

(iv) A son, provided that he is below 18 years (age restriction will not apply if he is a cripple or disabled).

(v) A daughter, if not married.

R. K. M. SAKER, Dy. Secy.

**Annexure**

1 2

**RIKANER**

2672 Sub. Nathu Singh	Sadul Light Infy.
Jem. Narain Singh	Ganga Risala
Sub. Jagmal Singh	Bijey Bty.
3085 Sep. Lachhman Ram	Sadul L. Infy.
924 Hav. Zorawar Singh	Inf. Trg. Centre
3122 Hav. Bhikam Singh	Sadul Light Infy.
Gunner Khumba Ram	Bijey Battery
754 Sig. Nk. Malu Singh	Do.
922 Hav. Gomakh Singh	Do.
858 Hav. Fateh Singh	Do.
928 Hav. Maj. Nazu Singh	Do.
5138 Hav. Balu Singh	Ganga Risala.
39 Bootmaker Fusiya	Sadul Light Infy.

**COCHIN**

564 Sep. C. Karuna Kara Menon	Cochin Garr. Coy.
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**CHAMBA**

160 Nk. Kehar Singh	Chamba Inf.
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**DATIA**

688 Q. M. Hav. Yashoda Nandan	1st Govind Infy.
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**FBRIDKOT**

8314 Jem. Mohar Singh	1 Faridkot Fd. Coy.
2124 Nk. Roop Singh	Do.
2119 Sapper Gurbaksh Singh	Do.
50665 Hav. Jagannath	2 Faridkot Fd. Coy.

**GWALIOR**

Sub. Ram Rao Gaikwad	4 Gwalior Inf.
Jem. Lexman Rao Dhumal	Do.
Jem. Rameswak Singh	Do.
Jem. Wasudeo Rao Dhaude	Do.
9 Jem. Narain Singh	Gwalior Trg. Bn.
2701 Sep. Prebhu Singh	Do.
4237 Ris. Dattaji Rao Patil	3 Gwalior Infy.
3850 Sowar Guzman Singh	3 Gwalior Lrs.
3128 Sowar Nauratan Singh	Do.
3805 Sowar Kalyan Singh	Do.
3672 Sowar Umard Raj Khan	Do.
3709 Sowar Mohd. Yar Khan	Do.
8098 Nk. Laxmanrao Akolkar	Gwalior Fd. Bty.
8047 Nk. Rajkishore	Do.
8076 Nk. Babu Ram	Do.
8215 Gnr. Namdar Khan	Do.
8032 L/Nk. Dhondhoji Rao Pawar	Do.
8029 Hav. Prithvi Ram	Do.
8190 OWA Anandrao Bhaje	Do.
8131 Gnr. Sita Ram Palande	Do.
8105 L/Nk. Baburao Krishna Rao Ugede	Do.
8064 L/Nk. Laxman Prasad	Do.
21 Hav. Ram Rao Bhande	Trg. En.
F. 31 Barbar Kausal Ram	Do.

**HYDERABAD**

SF. 6260 Sub. Syed Imam Ali	1 Hyd. Inf.
22 Jem. Abdul Azim	Do.
7227 Sub. Syed Ahmed	Hy. Field Bty.
60211 Ris. Omar Daraz Khan	1 Hyd. Lancers.
3227 Jem. Sultan Ali Shah	2 Hyd. Infy.
77522 Hav. Abdul Kareem Khan	Hyderabad Fd. Bty.
10017 Hav. Abdul Jee	Do.
47286 Sowar Gar Raj Singh	1 Hyd Infy.
428 Nk. Sheikh Mahboob	Do.
184 L/Nk. Ghulam Mohiuddin	Do.
10264 Dr. Abdul Qader	Hyd. Fd. GBty.
10100 Dr. Hasanuddin	Do.
851 Sep. Mohd. Mansur Ali	1 Hyd. Inf.
443 Sep. Mohd. Badruddin	Do.

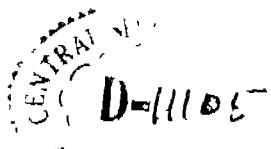
1	2	1	2
339 Sep. Syed Chehmud . . . . .	1 Hyd. Inf.	9131 Naik Mohd. Akrem . . . . .	4th Jammu & Kashmir Inf
182 Sep. Mohd. Akbar Ali . . . . .	Do.	9013 Naik Nadar Khan . . . . .	Do.
77598 Gar. Khuda Bux . . . . .	Hyd. Fd. Bty.	9536 Naik Yusaf Khan . . . . .	Do.
609 Sep. Kishen Singh . . . . .	1 Hyd. Inf.	9210 L/Naik Harnam Singh . . . . .	Do.
220 Sep. Sheikh Hussain . . . . .	Do.	10097 Sepoy Mohd. Shafi . . . . .	Do.
284 Sep. Syed Waliullah . . . . .	Do.	9642 NCE Bhagtu . . . . .	Do.
2795 W/O Sheikh Ghudu . . . . .	Do.	Cook Gagi . . . . .	2nd Jammu & Kashmir Rif.
2822 Sweeper Mewa Lal . . . . .	Do.	9674 Sweeper Lakhya . . . . .	4th Jammu & Kashmir Inf
<i>IDAR</i>			
512 Coy. Hav. Maj. Amer Singh . . . . .	Idar Sir Pratap Infy.	<i>KOLHAPUR</i>	
<i>INDORE</i>			
4466 Jem. V. C. Sawant . . . . .	1st Indore Infy.	178 Hav. Dade Khan . . . . .	Kolhapur Rajaram Rif.
1491 L/Nk. D. R. Kolhe . . . . .	Do.	581 L/Nk. Gangaram Gaonkar . . . . .	Do.
11242 L/Nk. Bhausaheb Mohitey . . . . .	Do.	1410 Rfn. Mahadeo Rammu Sawant . . . . .	Do.
1545 Coy. Hav. Maj. Yashwantrao Jagdale . . . . .	Do.	894 L/Nk. Duttu Tukaram Mali . . . . .	Do.
1073 Hav. R. V. Chandhary . . . . .	Do.	<i>KOTAH</i>	
578 Sweeper Chhoto . . . . .	Do.	3894 Sub. Raghunath Singh . . . . .	Kotah Inf.
<i>JAIPUR</i>		3892 Sub. Mohan Singh . . . . .	Kotah Inf. Trg. Centre.
3263 Ris. Rawat Singh . . . . .	Jaipur Pony Coy.	663 Naik Govind Singh . . . . .	Kotah Inf.
3267 Jem. Hukam Singh . . . . .	Do.	1268 Sepoy Kishan Lal . . . . .	Do.
Sub. Abdul Sahib . . . . .	1 Jaipur Inf.	874 Hav. Bharat Singh . . . . .	Do.
SF. 3200 Jem. Chiranjit Lal . . . . .	Do.	<i>MALERKOTLA</i>	
3198 Jem. Kana Ram . . . . .	Do.	7269 Jem. Naranjan Singh . . . . .	Malerkotla Fd. Coy.
3208 Jem. Hanuman Singh . . . . .	1 Jaipur Inf.	1671 Hav. Umar Dalaiz . . . . .	Do.
Sub. Narain Singh . . . . .	Do.	<i>MANDI</i>	
3289 L/Hav. Abdul Majeed . . . . .	Do.	Jem. Sohan Singh . . . . .	Mandi Fd. Coy.
3145 CHM Lal Singh . . . . .	Do.	8275 Hav. Jui Singh . . . . .	Do.
3819 Hav. Mangi Lal . . . . .	Do.	<i>MEWAR</i>	
3872 Sep. Karim Khan . . . . .	Do.	3749 Jem. Ram Mehar . . . . .	Mewar Inf.
3018 Hav. Jhaber Ram . . . . .	Do.	265 Hav. Dulah Singh . . . . .	Do.
3924 Sep. Itraj Ram . . . . .	1 Jaipur Infy.	1057 Hav. Sawa . . . . .	Do.
Sep. Sugan Singh . . . . .	Jaipur Pony Coy . . . . .	613 L/Hav. Bhai Ram . . . . .	Do.
3627 L/Nk. Shujanlal Khan . . . . .	1 Jaipur Infy.	5 Sweeper Moda . . . . .	Do.
3893 Sep. Nasib Khan . . . . .	Do.	<i>MYSORE</i>	
402 Sowar Tej Singh . . . . .	Kachhwaha Horse.	2117 Sub. Major B. C. Subramanya Raj Urs. . . . .	1st Mysore Inf.
38 Sweeper Gullu . . . . .	Jaipur Gds.	8081 Sub. Bhadri Prasad . . . . .	Do.
154/F, Sweeper Nanda . . . . .	1 Jaipur Infy.	8074 Jem. A. K. Abdul Rahiman . . . . .	Do.
<i>JIND</i>		8093 Hav. Clerk Iqbal Ahmed Khan . . . . .	Do.
1818 Jem. Jagat Singh . . . . .	Jind Infantry.	2339 Hav. Major M. D. Chinnaswamy Pillai. . . . .	Do.
1820 Jem. Abdul Aziz . . . . .	Do.	902 Havildar Major Devaraj Ganakan . . . . .	Do.
1812 Sub. Kahna Ram . . . . .	Do.	254 Hav. Dharan Anthony . . . . .	Do.
861 Sep. Darya Singh . . . . .	Do.	652 L/Nk. Doraswamy . . . . .	Do.
692 Sep. Nidh Singh . . . . .	Do.	3197 Sepoy Murugesh. . . . .	2nd Mysore Inf.
262 Sep. Nand Singh . . . . .	Do.	2340 Coy. Q.M. Hav. Madiah . . . . .	1st Mysore Inf.
215 Wilayat Khan . . . . .	Do.	2002 QM Hav. Lakshman Singh . . . . .	Do.
479 Hav. Jasra Ram . . . . .	Do.	<i>NABHA</i>	
<i>JODHPUR</i>			
3816 Jem. Hanuman Singh . . . . .	Jodhpur Sardar Inf.	4204 Jem. Parwa Singh . . . . .	Nabha Akal Inf.
3700 Sub. Jodha Ram . . . . .	Do.	294 Jem. Inder Singh . . . . .	Do.
3814 Jem. Ugam Singh . . . . .	Do.	359 Naik Gurnam Singh . . . . .	Do.
Jemadar Hd./Clk. Ishwar Singh . . . . .	Inf. Trg. Centre.	1217 L/Naik Mukund Singh . . . . .	Do.
3646 Jem. Dayal Singh . . . . .	2 Jodhpur Infy.	259 Sepoy Naranjan Singh . . . . .	Do.
3489 Jem. Anoop Singh . . . . .	Jodhpur Lrs.	304 Sepoy Sis Ram . . . . .	Do.
4016 Sep. Amra Ram . . . . .	Jodhpur Infantry.	1580 Sep. Cheta Singh . . . . .	Do.
4880 WS/Nk. Jaisha Ram . . . . .	Jodhpur S. Infantry.	<i>NAWANAGAR</i>	
4381 UL/Nk. Padam Singh . . . . .	Do.	<i>PATIALA</i>	
4484 UL/Nk. Jayahir Singh . . . . .	Do.	<i>KASHMIR</i>	
4293 WS/Nk. Mod Singh . . . . .	Do.	<i>KAPURTHALA</i>	
5186 UL/Nk. Sabal Singh . . . . .	Do.	<i>ISLAMABAD</i>	
4458 UL/Naik Bagh Singh . . . . .	Do.	<i>KASHMIR</i>	
4291 WS/Naik Khet Singh . . . . .	Do.	<i>KASHMIR</i>	
4182 WS/Hav. Shinarayan . . . . .	Do.	<i>KASHMIR</i>	
4190 WS/Hav. Prahlad Singh . . . . .	Do.	<i>KASHMIR</i>	
8 Drf. Maj. Ganpat Singh . . . . .	D.R.R.T.C.	<i>KASHMIR</i>	
215 L/Drf. Padam Singh . . . . .	Jodhpur Lrs.	<i>KASHMIR</i>	
19 Sweeper Satio . . . . .	..	<i>KASHMIR</i>	
1414 Tailor Bishan Lal . . . . .	Jodhpur Lrs.	<i>KASHMIR</i>	
184 Wine Waiter Bankat . . . . .	2 Jodhpur Inf.	<i>KASHMIR</i>	
<i>KAPURTHALA</i>			
884 Sepoy Abdur Ans . . . . .	Kapurthala Jagatjit Inf.	<i>KASHMIR</i>	
<i>KASHMIR</i>		<i>KASHMIR</i>	
Sub. Sardar Ali Khan . . . . .	4th Jammu & Kashmir Inf.	Ris. Maj. Mohd. Iqbal Khan . . . . .	1 Patiala Lrs.
Sub. Amir Baz Khan . . . . .	Do.	SF. 214 Sub Sher Singh . . . . .	1 Patiala Inf.
Jem. Gopal Singh . . . . .	Do.	Sub. Maj. Hony. Lt. Kehar Singh . . . . .	AHQ Patiala.
Jem. Mohd. Aziz . . . . .	Do.	177 Su. Ki Pal Singh . . . . .	Combined Trg. C
Jem. Sant Ram . . . . .	Do.	6003 Sub. Maj. Chanan Singh . . . . .	1st Patiala Inf.
Jem. Hamid Ullah . . . . .	Do.	Sub. Hardial Singh . . . . .	HQ Cav. Bde.
Jem. Mejra Singh . . . . .	Do.	222 Jem. Joginder Singh . . . . .	1 Patiala Inf.
Jem. Nasib Singh . . . . .	9th Jammu & Kashmir Inf.	358 LD Naranjan Singh . . . . .	1 Patiala Lrs.
1108 Naik Kanhi Ram . . . . .	2nd Jammu & Kashmir Rif.	71 RDM Harichand Singh . . . . .	Do.
9474 C H M Mohd Shah . . . . .	4th Jammu & Kashmir Inf.	310 Hav. Teja Singh . . . . .	Patiala Mtn. Bty
9181 Hav. Sarban Singh . . . . .	Do.	3073 Hav. Banta Singh . . . . .	1 Patiala Inf.
9570 L/Nk. Taj Mohd. . . . .	Do.	3201 Hav. Talor Singh . . . . .	Do.
9116 Naik Bhagat Singh . . . . .	Do.	6909 L/Nk. Mubarik Hussain . . . . .	2 Patiala Inf.
803 Sigm Barkat Ali . . . . .	Jammu & Kashmir Signal Section.	6121 Hav. Ganda Singh . . . . .	Do.
9002 Hav. Sher Baz Khan . . . . .	4th Jammu & Kashmir Inf.	3652 Sepoy Pritam Singh . . . . .	1 Patiala Inf.
9180 C H M Tej Ram . . . . .	Do.	3321 Hav. Kartar Singh . . . . .	Do.
9376 C H M Sansar Singh . . . . .	Do.	152 Sepoy Munshi Singh . . . . .	Combined Trg. C
9176 Naik Bharat Singh . . . . .	Do.	Hav. (Hony. Major) Balbir Singh . . . . .	A.H.Q. Patiala.

GOVERNMENT OF INDIA  
MINISTRY OF LAW

# THE INDUSTRIAL DISPUTES ACT 1947

(ACT XIV OF 1947)

(AS MODIFIED UP TO THE 1ST NOVEMBER, 1955.)



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ED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS,  
DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1956

Price annas 7 or 8d.

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MGIPC—88—70 Education—5-12-51—50,000.

## LIST OF ACTS AND ADAPTATION ORDERS AMENDING THE INDUSTRIAL DISPUTES ACT, 1947 (XIV OF 1947)

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1. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
  2. The Industrial Disputes (Banking and Insurance Companies) Act, 1949 (54 of 1949).
  3. The Adaptation of Laws Order, 1950.
  4. The Repealing and Amending Act, 1950 (35 of 1950).
  5. The Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950).
  6. The Industrial Disputes (Amendment and Temporary Provisions) Act, 1951 (40 of 1951).
  7. The Industries (Development and Regulation) Act, 1951 (65 of 1951).
  8. The Industrial Disputes (Amendment) Act, 1952 (18 of 1952).
  9. The Industrial Disputes (Amendment) Act, 1953 (43 of 1953) (from 24-10-1953).
  10. The Industrial Disputes (Amendment) Act, 1954 (48 of 1954) (from 1-4-1954).
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## LIST OF ABBREVIATIONS

A.O. 1948	..	..	..	for Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
A.O. 1950	..	..	..	„ Adaptation of Laws Order, 1950.
Ins.	..	..	..	„ Inserted.
Rep.	..	..	..	„ Repealed.
S.	..	..	..	„ Section.
Sch.	..	..	..	„ Schedule.
Subs.	..	..	..	„ Substituted.

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# THE INDUSTRIAL DISPUTES ACT, 1947

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## ARRANGEMENT OF SECTIONS

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10. Reference of disputes to Boards, Courts or Tribunals.

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**THE SCHEDULE**



# THE INDUSTRIAL DISPUTES ACT, 1947

ACT NO. XIV OF 1947<sup>1</sup>

(As modified up to the 1st November, 1955.)

An Act to make provision for the investigation and settlement of industrial disputes, and for certain other purposes.

[11th March, 1947.]

WHEREAS it is expedient to make provision for the investigation and settlement of industrial disputes, and for certain other purposes hereinafter appearing;

It is hereby enacted as follows:—

## CHAPTER I

### Preliminary

**1. Short title, extent and commencement.**—(1) This Act may be called the Industrial Disputes Act, 1947.

<sup>2</sup>[(2) It extends to the whole of India except the State of Jammu and Kashmir.]

(3) It shall come into force on the first day of April, 1947.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “appropriate Government” means—

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government <sup>3\*</sup> \* \* \* or by a railway company <sup>4</sup>[or concerning any such controlled industry as may be specified in this behalf by the Central Government] <sup>5\*\*\*</sup> or in relation to an industrial dispute concerning <sup>6</sup>[a banking or an insurance company, a mine, an oil field], or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the <sup>7</sup>[State] Government;

<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1946, Pt. V, pp. 239-240 for Report of Select Committee *see ibid.*, 1947, Pt. V, pp. 33-35.

This Act has been amended in the State of Madras by Madras Act 12 of 1949, and in Uttar Pradesh by U.P. Act 25 of 1951 (with effect from 26th June, 1951).

<sup>2</sup>Subs. by Act 48 of 1950, s. 34 and Sch.

<sup>3</sup>Certain words omitted by the A.O. 1948.

<sup>4</sup>Ins. by Act 65 of 1951, s. 32.

<sup>5</sup>Certain words omitted by the A.O. 1950.

<sup>6</sup>Subs. by Act 54 of 1949, s. 3.

<sup>7</sup>Subs. by the A.O. 1950.

*Industrial Disputes*

[ACT XIV]

<sup>1</sup>[(aa) "average pay" means the average of the wages payable to a workman—

- (i) in the case of monthly paid workman, in the three complete calendar months,
- (ii) in the case of weekly paid workman, in the four complete weeks,
- (iii) in the case of daily paid workman, in the twelve full working days,

preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked;]

(b) "award" means an interim or final determination by an Industrial Tribunal of any industrial dispute or of any question relating thereto;

<sup>2</sup>[(bb) "banking company" means a banking company as defined in section 5 of the Banking Companies Act, 1949 (X of 1949) having branches or other establishments in more than one <sup>3</sup>[State], and includes the Imperial Bank of India;]

(c) "Board" means a Board of Conciliation constituted under this Act;

(d) "conciliation officer" means a conciliation officer appointed under this Act;

(e) "conciliation proceeding" means any proceeding held by a conciliation officer or Board under this Act;

<sup>4</sup>[(ee) "controlled industry" means any industry the control of which by the Union has been declared by any Central Act to be expedient in the public interest;]

<sup>1</sup>[(eee) "continuous service" means uninterrupted service, and includes service which may be interrupted merely on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;]

(f) "Court" means a Court of Inquiry constituted under this Act;

(g) "employer" means—

- (i) in relation to an industry carried on by or under the authority of any department of <sup>5</sup>[the Central Government or a <sup>6</sup>[State] Government], the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;

<sup>1</sup>Ins. by Act 43 of 1953, s. 2.

<sup>2</sup>Ins. by Act 54 of 1949, s. 3.

<sup>3</sup>Subs. by the A.O. 1950.

<sup>4</sup>Ins. by Act 65 of 1951, s. 32.

<sup>5</sup>Subs. by the A.O. 1948.

(ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;

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(i) a person shall be deemed to be "independent" for the purpose of his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute:

<sup>2</sup>[Provided that no person shall cease to be independent by reason only of the fact that he is a shareholder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute; but in such a case, he shall disclose to the appropriate Government the nature and extent of the shares held by him in such company;]

(j) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;

(k) "industrial dispute" means any dispute or difference between employers and employers, or between employers and workmen; or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;

<sup>3</sup>[(kk) "insurance company" means an insurance company as defined in section 2 of the Insurance Act, 1938 (IV of 1938), having branches or other establishments in more than one <sup>4</sup>[State];]

<sup>5</sup>[(kkk) "lay-off" (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or for any other reason to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched;

*Explanation.*—Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day:

<sup>1</sup>Cl. (h) rep. by the A.O. 1950.

<sup>2</sup>Ins. by Act 18 of 1952, s. 2.

<sup>3</sup>Ins. by Act 54 of 1949, s. 3.

<sup>4</sup>Subs. by the A.O. 1950.

<sup>5</sup>Ins. by Act 43 of 1953, s. 2.

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;]

(l) "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "public utility service" means—

(i) any railway service;

(ii) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends;

(iii) any postal, telegraph or telephone service;

(iv) any industry which supplies power, light or water to the public;

(v) any system of public conservancy or sanitation;

(vi) any industry specified in the Schedule which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the Official Gazette declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification:

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time if in the opinion of the appropriate Government public emergency or public interest requires such extension;

(o) "railway company" means a railway company as defined in section 3 of the Indian Railways Act, 1890 (IX of 1890);

<sup>1</sup>[(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(c) termination of the service of a workman on the ground of continued ill-health;]

(p) "settlement" means a settlement arrived at in the course of conciliation proceeding;

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<sup>1</sup>Ins. by Act 43 of 1953, s. 2.

(q) "strike" means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment;

(r) "Tribunal" means an Industrial Tribunal constituted under this Act;

<sup>1</sup>[ (rr) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

(iii) any travelling concession;

but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service;]

(s) "workman" means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceedings under this Act in relation to an industrial dispute, a workman discharged during that dispute, but does not include any person employed in the naval, military or air service of the <sup>2</sup>[Government].

## CHAPTER II

### *Authorities under this Act*

**3. Works Committee.**—(1) In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment so however that the number of representatives of workmen on the Committee shall not be less than the number of

<sup>1</sup>Ins. by Act 43 of 1953, s. 2.

<sup>2</sup>Subs. by the A. O. 1950.

representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926 (XVI of 1926).

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employers and workmen and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

**4. Conciliation officers.**—(1) The appropriate Government may, by notification in the Official Gazette, appoint such number of persons as it thinks fit, to be conciliation officers, charged with the duty of mediating in and promoting the settlement of industrial disputes.

(2) A conciliation officer may be appointed for a specified area or for specified industries in a specified area or for one or more specified industries and either permanently or for a limited period.

**5. Boards of Conciliation.**—(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Board of Conciliation for promoting the settlement of an industrial dispute.

(2) A Board shall consist of a chairman and two or four other members, as the appropriate Government thinks fit.

(3) The chairman shall be an independent person and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make a recommendation as aforesaid within the prescribed time, the appropriate Government shall appoint such persons as it thinks fit to represent that party.

(4) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that if the appropriate Government notifies the Board that the services of the chairman or of any other member have ceased to be available, the Board shall not act until a new chairman or member, as the case may be, has been appointed.

**6. Courts of Inquiry.**—(1) The appropriate Government may as occasion arises by notification in the Official Gazette constitute a Court of Inquiry for inquiring into any matter appearing to be connected with or relevant to an industrial dispute.

(2) A Court may consist of one independent person or of such number of independent persons as the appropriate Government may think fit and where a Court consists of two or more members, one of them shall be appointed as the chairman.

(3) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number:

Provided that, if the appropriate Government notifies the Court that the services of the chairman have ceased to be available, the Court shall not act until a new chairman has been appointed.

**7. Industrial Tribunals.**—(1) The appropriate Government may constitute one or more Industrial Tribunals for the adjudication of industrial disputes in accordance with the provisions of this Act.

<sup>1</sup>[(2) A Tribunal shall consist of such number of independent members as the appropriate Government may think fit to appoint, and where the Tribunal consists of two or more members, one of them shall be appointed as the chairman thereof.

(3) Where a Tribunal consists of one member only, that member, and where it consists of two or more members, the chairman of the Tribunal, shall be a person who—

- (a) is or has been a Judge of a High Court; or
- (b) is or has been a District Judge; or
- (c) is qualified for appointment as a Judge of a High Court.

Provided that no appointment under this sub-section to a Tribunal shall be made of any person not qualified under clause (a) or clause (b) except with the approval of the High Court of the State in which the Tribunal has, or is intended to have, its usual seat.

(4) Where a Tribunal consists of two or more members, every such member (other than the chairman) shall possess such qualifications as may be prescribed, and where an industrial dispute affecting any banking or insurance company is referred to a Tribunal, one of such members may be a person who, in the opinion of the appropriate Government, has special knowledge of banking or insurance, as the case may be.

(5) A Tribunal, where it consists of two or more members, may act notwithstanding the casual and unforeseen absence of the chairman or any other member, and when the chairman or other member rejoins his office after such absence, the proceedings may be continued before the Tribunal from the stage at which he so rejoins.]

<sup>2</sup>[**8. Filling of vacancies.**—(1) If for any reason a vacancy occurs in the office of the chairman or any other member of a Board, the appropriate Government shall appoint, in accordance with the provisions of sub-section (3) of section 5, another person to fill the vacancy and the proceedings may be continued before the Board so reconstituted from the stage at which the vacancy is filled.

(2) If for any reason a vacancy occurs in the office of the chairman or any other member of a Court or Tribunal, the appropriate Government shall, in the case of a chairman, and may, in the case of any other member, appoint another independent person, in accordance with the provisions of section 6 or section 7, as the case may be, to fill the vacancy, and the proceedings may be continued

<sup>1</sup>Subs. by Act 40 of 1951, s. 3.

<sup>2</sup>Subs. *ibid* s. 4.

before the Court or the Tribunal so reconstituted from the stage at which the vacancy is filled.]

**9. Finality of orders constituting a Board, Court or Tribunal.—<sup>1</sup>**[<sup>1</sup>(1) No order of the appropriate Government appointing any person as a member of a Board, Court or Tribunal shall be called in question in any manner.

<sup>2</sup>[<sup>2</sup>(2) Where the report of any settlement arrived at in the course of the conciliation proceedings before a Board or the award of a Tribunal consisting of two or more members is signed by the chairman and all the other members of the Board or the Tribunal, as the case may be, no such settlement or award shall be invalid by reason only of the casual and unforeseen absence of any of the members (including the chairman) of the Board or the Tribunal, as the case may be, during any stage of the hearing of the proceedings.]

### CHAPTER III

#### *Reference of Disputes to Boards, Courts or Tribunals*

**10. Reference of disputes to Boards, Courts or Tribunals.—(1)**<sup>3</sup>[Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time], by order in writing,—

- (a) refer the dispute to a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute to a Court for inquiry; or
- (c) refer the dispute <sup>4</sup>[or any matter appearing to be connected with, or relevant to, the dispute] to a Tribunal for adjudication:

Provided that where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced.

(2) Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court or Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly.

(3) Where an industrial dispute has been referred to a Board or Tribunal under this section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connection with such dispute which may be in existence on the date of the reference.

<sup>1</sup>Renumbered by Act 40 of 1951, s. 5.

<sup>2</sup>Ins., *ibid.*

<sup>3</sup>Subs. by Act 18 of 1952, s. 3.

<sup>4</sup>Ins., *ibid.*

<sup>1</sup>[(4) Where in an order referring an industrial dispute to a Tribunal under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, the Tribunal shall confine its adjudication to those points and matters incidental thereto.

(5) Where a dispute concerning any establishment or establishments has been, or is to be, referred to a Tribunal under this section and the appropriate Government is of opinion, whether on an application made to it in this behalf or otherwise, that the dispute is of such a nature that any other establishment, group or class of establishments of a similar nature is likely to be interested in, or affected by, such dispute, the appropriate Government may, at the time of making the reference or at any time thereafter but before the submission of the award, include in that reference such establishment, group or class of establishments, whether or not at the time of such inclusion any dispute exists or is apprehended in that establishment, group or class of establishments.]

#### CHAPTER IV

##### *Procedure, Powers and Duties of Authorities*

**11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals.**—(1) Conciliation officers, Boards, Courts and Tribunals shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) A conciliation officer or a member of a Board, Court or Tribunal may for the purpose of inquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates.

(3) Every Board, Court and Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) in respect of such other matters as may be prescribed;

and every inquiry or investigation by a Board, Court or Tribunal, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (XLV of 1860).

(4) A conciliation officer may call for and inspect any document which he has ground for considering to be relevant to the industrial dispute.

(5) With the consent of all parties to the dispute, a Court or Tribunal may, if it so thinks fit, appoint one or more persons as assessors to advise it in the proceedings.

(6) Every conciliation officer and every member of a Board, Court or Tribunal shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

<sup>1</sup>(7) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.

(8) Every Tribunal shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).]

**12. Duties of conciliation officers.—**(1) Where any industrial dispute exists or is apprehended, the conciliation officer may, or where the dispute relates to a public utility service and a notice under section 22 has been given shall, hold conciliation proceedings in the prescribed manner.

(2) The conciliation officer shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings the conciliation officer shall send a report thereof to the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the appropriate Government is satisfied that there is a case for reference to a Board or Tribunal, it may make such reference. Where the appropriate Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(6) A report under this section shall be submitted within fourteen days of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the appropriate Government.

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<sup>1</sup>Added by Act 48 of 1950, s. 34 and Sch.

**13. Duties of Boards.**—(1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course, of the conciliation proceedings, the Board shall send a report thereof to the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

(3) If no such settlement is arrived at, the Board shall, as soon as practicable after the close of the investigation, send to the appropriate Government a full report setting forth the proceedings and steps taken by the Board for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, its findings thereon, the reasons on account of which, in its opinion, a settlement could not be arrived at and its recommendations for the determination of the dispute.

(4) If, on the receipt of a report under sub-section (3) in respect of a dispute relating to a public utility service, the appropriate Government does not make a reference to a Tribunal under section 10, it shall record and communicate to the parties concerned its reasons therefor.

(5) The Board shall submit its report under this section within two months of the date <sup>1</sup>[on which the dispute was referred to it] or within such shorter period as may be fixed by the appropriate Government:

Provided that the appropriate Government may from time to time extend the time for the submission of the report by such further periods not exceeding two months in the aggregate:

Provided further that the time for the submission of the report may be extended by such period as may be agreed on in writing by all the parties to the dispute.

**14. Duties of Courts.**—A Court shall inquire into the matters referred to it and report thereon to the appropriate Government ordinarily within a period of six months from the commencement of its inquiry.

<sup>2</sup>[**15. Duties of Tribunals.**—Where an industrial dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as practicable on the conclusion thereof, submit its award to the appropriate Government.]

**16. Form of report or award.**—The report of a Board or Court and the award of a Tribunal shall be in writing and shall be signed

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<sup>1</sup>Subs. by Act 40 of 1951, s. 6.

<sup>2</sup>Subs. by Act 48 of 1950, s. 34 and Sch.

by all the members of the Board, Court or Tribunal, as the case may be:

Provided that nothing in this section shall be deemed to prevent any member of the Board, Court or Tribunal from recording a minute of dissent from a report or award from any recommendation made therein.

**17. Publication of reports and awards.**—The report of a Board or Court and the award of a Tribunal, together with any minute of dissent recorded therewith, shall, within a period of one month from the date of its receipt by the appropriate Government, be published in such manner as it thinks fit.

**[17A. Commencement of the award.]**—(1) The award of a Tribunal shall become enforceable on the expiry of thirty days from the date of its publication under section 17:

Provided that in cases where the award is not appealable and where the appropriate Government is a party to the dispute and is of opinion that it will be inexpedient on public grounds to give effect to the whole or any part of the award, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the award or modify it.

(2) Where the appropriate Government rejects or modifies any award under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1), the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1).]

**18. Persons on whom settlements and awards are binding.**—A settlement arrived at in the course of conciliation proceedings under this Act or **[an award which has become enforceable]** shall be binding on—

- (a) all parties to the industrial dispute;
- (b) all other parties summoned to appear in the proceedings as parties to the dispute, unless the Board or Tribunal, as the case may be, records the opinion that they were so summoned without proper cause;
- (c) where a party referred to in clause (a) or clause (b) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates;
- (d) where a party referred to in clause (a) or clause (b) is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of

<sup>1</sup> Ins. by Act 48 of 1950, s. 34 and Sch.

<sup>2</sup> Subs., *ibid.*

the dispute and all persons who subsequently become employed in that establishment or part.

**19. Period of operation of settlements and awards.**—(1) A settlement arrived at in the course of a conciliation proceeding under this Act shall come into operation on such date as is agreed upon by the parties to the dispute, and if no date is agreed upon, on the date on which the memorandum of the settlement is signed by the parties to the dispute.

(2) Such settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months, and shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement.

'[(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it to a Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of the Tribunal on such reference shall, subject to the provision for appeal, be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) In the computation of the period of operation of an award under sub-section (3), the period during which the implementation of the award is stayed by the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, shall be excluded.]

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<sup>1</sup>Subs. by Act 48 of 1950, s. 34 and Sch.

**20. Commencement and conclusion of proceedings.**—(1) Conciliation proceeding shall be deemed to have commenced on the date on which a notice of strike or lock-out under section 22 is received by the conciliation officer or on the date of the order referring the dispute to a Board, as the case may be.

- (2) A conciliation proceeding shall be deemed to have concluded—
- where a settlement is arrived at, when a memorandum of the settlement is signed by the parties to the dispute;
  - where no settlement is arrived at, when the report of the conciliation officer is received by the appropriate Government or when the report of the Board is published under section 17, as the case may be; or
  - when a reference is made to a Court or Tribunal under section 10 during the pendency of conciliation proceedings.

(3) Proceedings before a Tribunal shall be deemed to have commenced on the date of the reference of a dispute for adjudication and such proceedings shall be deemed to have concluded <sup>1</sup>[on the date on which the award becomes enforceable under section 17A].

**21. Certain matters to be kept confidential.**—There shall not be included in any report or award under this Act any information obtained by a conciliation officer, Board, Court or Tribunal in the course of any investigation or inquiry as to a trade union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through the evidence given before such officer, Board, Court or Tribunal, if the trade union, person, firm or company, in question has made a request in writing to the conciliation officer, Board, Court or Tribunal, as the case may be, that such information shall be treated as confidential: nor shall such conciliation officer or any individual member of the Board, Court or Tribunal or any person present at or concerned in the proceedings disclose any such information without the consent in writing of the secretary of the trade union or the person, firm or company in question, as the case may be:

Provided that nothing contained in this section shall apply to a disclosure of any such information for the purposes of a prosecution under section 193 of the Indian Penal Code (XLV of 1860).

## CHAPTER V

### *Strikes and lock-outs*

**22. Prohibition of strikes and lock-outs.**—(1) No person employed in a public utility service shall go on strike in breach of contract—

- without giving to the employer notice of strike, as herein-after provided, within six weeks before striking; or
- within fourteen days of giving such notice; or

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<sup>1</sup> Subs. by Act 18 of 1952, s. 4.

- (c) before the expiry of the date of strike specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service shall lock-out any of his workmen—

- (a) without giving them notice of lock-out as hereinafter provided, within six weeks before locking out; or
- (b) within fourteen days of giving such notice; or
- (c) before the expiry of the date of lock-out specified in any such notice as aforesaid; or
- (d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

(3) The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the appropriate Government either generally or for a particular area or for a particular class of public utility services.

(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

(5) The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

(6) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the appropriate Government or to such authority as that Government may prescribe the number of such notices received or given on that day.

**23. General prohibition of strikes and lock-outs.**—No workman who is employed in any industrial establishment shall go on strike in breach of contract and no employer of any such workman shall declare a lock-out—

- (a) during the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings;
- (b) during the pendency of proceedings before a Tribunal and two months after the conclusion of such proceedings; or
- (c) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

**24. Illegal strikes and lock-outs.**—(1) A strike or a lock-out shall be illegal if—

- (i) it is commenced or declared in contravention of section 22 or section 23; or
- (ii) it is continued in contravention of an order made under sub-section (3) of section 10.

(2) Where a strike or lock-out in pursuance of an industrial dispute has already commenced and is in existence at the time of the reference of the dispute to a Board, or Tribunal, the continuance of such strike or lock-out shall not be deemed to be illegal, provided that such strike or lock-out was not at its commencement in contravention of the provisions of this Act or the continuance thereof was not prohibited under sub-section (3) of section 10.

(3) A lock-out declared in consequence of an illegal strike or a strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

**25. Prohibition of financial aid to illegal strikes and lock-outs.**—No person shall knowingly expend or apply any money in direct furtherance or support of any illegal strike or lock-out.

#### <sup>1</sup>[CHAPTER VA

##### *Lay-off and retrenchment*

**25A. Application of sections 25C to 25E.**—(1) Sections 25C to 25E inclusive shall not apply—

- (a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month; or
- (b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

<sup>2</sup>[*Explanation.*—In this section and in sections 25C, 25D and 25E, ‘industrial establishment’ means—

- (i) a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948); or
- (ii) a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952); or
- (iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (LXIX of 1951).]

**25B. Definition of one year of continuous service.**—For the purposes of sections 25C and 25F, a workman who, during a period of

<sup>1</sup>Ins. by Act 43 of 1953, s. 3.

<sup>2</sup>Subs. by Act 48 of 1954, s. 2 (with effect from 1st April, 1954).

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twelve calendar months, has actually worked in an industry for not less than two hundred and forty days shall be deemed to have completed one year of continuous service in the industry.

*Explanation.—*In computing the number of days on which a workman has actually worked in an industry, the days on which—

- (a) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), or under this Act or under any other law applicable to the industrial establishment, the largest number of days during which he has been so laid-off being taken into account for the purposes of this clause,
- (b) he has been on leave with full wages, earned in the previous year, and
- (c) in the case of a female, she has been on maternity leave; so however that the total period of such maternity leave shall not exceed twelve weeks,

shall be included.

**25C. Right of workmen laid-off for compensation.—**Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, he shall be paid by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:

Provided that—

- (a) the compensation payable to a workman during any period of twelve months shall not be for more than forty-five days except in the case specified in clause (b);
- (b) if during any period of twelve months, workman has been paid compensation for forty-five days and during the same period of twelve months he is again laid-off for further continuous periods of more than one week at a time, he shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days during such subsequent periods of lay-off compensation at the rate specified in this section:

Provided further that it shall be lawful for the employer in any case falling within clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 25F, any compensation paid to the workman for having been laid-off during the preceding twelve months being set off against the compensation payable for retrenchment.

*Explanation.—*"*Badli* workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but

shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

**25D. Duty of an employer to maintain muster rolls of workmen.—** Notwithstanding that workmen in any industrial establishment have been laid-off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

**25E. Workmen not entitled to compensation in certain cases.—** No compensation shall be paid to a workman who has been laid-off—

- (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;
- (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;
- (iii) if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment.

**25F. Conditions precedent to retrenchment of workmen.—** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate Government.

**25G. Procedure for retrenchment.—** Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched

and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

**25H. Re-employment of retrenched workmen.**—Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen to offer themselves for re-employment, and the retrenched workmen who offer themselves for re-employment shall have preference over other persons.

**25I. Recovery of moneys due from employers under this Chapter.**—Any money due from an employer under the provisions of this Chapter, whether by way of compensation or by way of wages, may, without prejudice to any other mode of recovery, be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money.

**25J. Effect of laws inconsistent with this Chapter.**—(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law [including standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946)]:

Provided that nothing contained in this Act shall have effect to derogate from any right which a workman has under<sup>1</sup>[the Minimum Wages Act, 1948 (XI of 1948) or any notification or order issued thereunder or] any award for the time being in operation or any contract with the employer.

(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter.]

## CHAPTER VI

### *Penalties*

**26. Penalty for illegal strikes and lock-outs.**—(1) Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to one

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<sup>1</sup>Ins by Act 48 of 1954, s. 3 (with effect from 1st April, 1954).

month, or with fine which may extend to one thousand rupees, or with both.

**27. Penalty for instigation, etc.—**Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**28. Penalty for giving financial aid to illegal strikes and lock-outs.—**Any person who knowingly expends or applies any money in direct furtherance or support of any illegal strike or lock-out shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**29. Penalty for breach of settlement or award.—**If any person commits a breach of any term of any settlement or award which is binding on him under this Act, he shall on his first conviction therefore be punishable with fine which may extend to two hundred rupees and in the event of a second or subsequent conviction, with fine which may extend to five hundred rupees.

**30. Penalty for disclosing confidential information.—**Any person who wilfully discloses any such information as is referred to in section 21 in contravention of the provisions of that section shall, on complaint made by or on behalf of the trade union or individual business affected, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**31. Penalty for other offences.—**(1) Any employer who contravenes the provisions of section 33 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

## CHAPTER VII

### *Miscellaneous*

**32. Offence by companies, etc.—**Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

<sup>1</sup>[33. Conditions of service, etc., to remain unchanged during pendency of proceedings.—During the pendency of any conciliation

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<sup>1</sup>Subs. by Act 48 of 1950, s. 34 and Sch.

or 1947]

*Industrial Disputes*

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proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(b) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of the conciliation officer, Board or Tribunal, as the case may be.]

<sup>1</sup>[**33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.**—Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.]

**34. Cognizance of offences.**—(1) No Court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

**35. Protection of persons.**—(1) No person refusing to take part or to continue to take part in any strike or lock-out which is illegal under this Act shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

<sup>2</sup>[**36. Representation of parties.**—(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

<sup>1</sup>Ins. by Act 48 of 1950, s. 34 and Sch.

<sup>2</sup>Subs., *ibid.*

- (a) an officer of a registered trade union of which he is a member;
- (b) an officer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;
- (c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

- (a) an officer of an association of employers of which he is a member;
- (b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated;
- (c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(4) In any proceeding before a Tribunal, a party to dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal.]

**37. Protection of action taken under the Act.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder

**38. Power to make rules.**—(1) The appropriate Government may, subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the powers and procedure of conciliation officers, Boards, Courts and Tribunals including rules as to the summoning of witnesses, the production of documents relevant to the subject-matter of an inquiry or investigation, the number of members necessary to form a quorum and the manner of submission of reports and awards;
- (b) the constitution and functions of and the filling of vacancies in Works Committees, and the procedure to be followed by such Committees in the discharge of their duties;
- (c) the allowances admissible to members of Courts, Boards, and Tribunals and to assessors and witnesses;

- (d) the ministerial establishment which may be allotted to a Court, Board or Tribunal and the salaries and allowances payable to members of such establishments;
  - (e) the manner in which and the persons by and to whom notice of strike or lock-out may be given and the manner in which such notices shall be communicated;
  - (f) the conditions subject to which parties may be represented by legal practitioners in proceedings under this Act before a Court or Tribunal;
  - (g) any other matter which is to be or may be prescribed.
- (3) Rules made under this section may provide that a contravention thereof shall be punishable with fine not exceeding fifty rupees.

**39. Delegation of power.**—The appropriate Government may by order direct that its power under section 3 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to that Government.

**40. [Repeal of Act VII of 1929].—Repealed by the Repealing and Amending Act, 1950 (35 of 1950), s. 2 and Sch. I.**

#### THE SCHEDULE

*Industries which may be declared to be public utility services under sub-clause (vi) of clause (n) of section 2*

1. Transport (other than railways) for the carriage of passengers or goods, by land, water or air.
  2. Coal.
  3. Cotton textiles.
  4. Food stuffs.
  5. Iron and steel.
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